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TO

RECIPIENT	COMPANY	TELEPHONE	FAX
Examiner D. Muirhei	U.S. Patent & Trademark Office		703.872.9306

FROM

SENDER	EMAIL	TELEPHONE	FAX
Barbara Kielt	BKielt@Brobeck.com	(858) 720-2946	(858) 720-2555

MESSAGE

Re: S/N 09/554,531

P R I V I L E G E D A N D C O N F I D E N T I A L

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Beeley et al.

Serial No.: 09/554,531

Filed: August 8, 2000

Title: USE OF EXENDINS AND AGONISTS
THEREOF FOR THE REDUCTION OF
FOOD INTAKE

Group Art Unit: 1614

Examiner: Muirhei, D.

Commissioner for Patents
Washington, D.C. 20231**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Dear Sir:

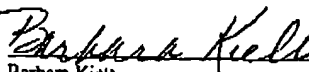
This Communication is responsive to the Office Action mailed March 26, 2002. As this response is being timely filed with a Petition for a One-Month Extension of Time, it is believed that no additional fee is due. If, however, any fee should become due or credit become payable during the pendency of these proceedings, the Examiner is authorized to charge or credit the same to deposit account number 50-1273.

The Election of Species Requirement

The Examiner asserted that claims 1-73 are drawn to the use of a plurality of disclosed patentably distinct exendin agonists and required that Applicants elect a single disclosed species (compound) and indicate the claims readable thereon. Applicants hereby elect, with traverse, compound 9, having SEQ ID NO:13. Claims 1-2, 5-8, 15-18, 26, 28-44, 46, 48-49, 56-59, 67, 69, and 72 all read on this elected compound.

CERTIFICATE OF TRANSMISSION
(37 C.F.R. §1.8)

I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office on the date shown below via facsimile.

May 28, 2002
Date of Deposit
Barbara Kielt

Response to Election of Species Requirement
Serial No. 09/554,531
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Examination of these claims in their entirety is respectfully requested. Furthermore, withdrawal of this requirement is respectfully requested.

According to the Manual of Patent Examining Procedure (MPEP) §803:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In this case, the subject claims encompass several independent species, but these species are related under this particular disclosure. This relationship is that all species are extendin agonists. It is these extendin agonists that are recited in the pending, generic, independent claims. Applicants contend that, in this case, particularly due to the relationship between the species, a search and examination of the entire application can be made without serious burden.

Respectfully Submitted,

Beeley et al.

May 28, 2002

By: *Lisa M. McGeehan*

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